c) at least two esters selected from the group consisting of isononyl isononanoate, isostearyl palmitate, cetyl octanoate, pentaerthritol tetraoctanoate;

d) water; and

e) a PEG-30 dipolyhydroxystearate polymeric emulsifier and/or a carbomer thickener.

Please add new claim 61 as follows:

61. The system of claim 34, wherein the benefit agent is tretinoin.

REMARKS

I. Status of the Claims

Upon entry of this Amendment, claims 1-7, 9-50 and 52-62 are pending in this Application. Claims 1-2, 5-7, 9-24, 37, 42, 52-54 and 58-60 have been amended in an effort to more clearly define that which Applicants consider to be their invention. Support for the amendments to claims 1, 2, 5-7, 9-24, 58 and 60 can be found in the specification, at least at page 5, line 22 – page 6, line 7. Claims 34 and 52-54 have been amended to correct dependencies and/or to more clearly define the method steps as suggested by the Examiner. The Examiner has correctly noted that the application contained to claims numbered 23. Applicants have deleted the second occurrence of claim 23 and replaced it as new claim 60. Applicants also note that original claims 56-60 were misnumbered and have been renumbered as claims 55-59. Support for new claim 61 may be found in the Specification, at least at page 17, line 28. No new matter has been introduced by this Amendment.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version with markings to show changes made."

II. Double Patenting Rejection

The Examiner has provisionally rejected claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4 of copending Application No. 09/745,270. Applicants respectfully traverse this rejection. Nevertheless, in an effort to expedite prosecution, Applicants will file a terminal disclaimer upon indication that the claims are in condition for allowance.

III. Claim Objections

The Examiner has objected to the claims as containing two claims numbered 23. As discussed above, by this Applicants have amended the claims so that there are no longer two claims numbered 23. The second occurrence of claim 23 has been deleted and replaced as new claim 61.

The Examiner has objected to claim 24 because of the misspelling of pentaerythritol. Applicants have amended claim 24 to correct the spelling.

Accordingly, Applicants respectfully request withdrawal of the claims objections.

IV. Rejections Under 35 U.S.C. § 112

The Examiner rejected claim 37 for incorrect dependency. By this amendment claim 37 has been amended to correctly depend from claim 34.

The Examiner also rejected claim 42 as having insufficient antecedent basis for "benefit agent". Applicants have amended claim 42 by deleting the term "benefit agent" and replacing with "hair growth inhibiting agent" thereby providing adequate antecedent basis.

The Examiner rejected claims 51-54 under 35 U.S.C. § 112, second paragraph and 35 U.S.C. § 101 as failing to provide positive process steps. Claim 51 has been canceled and claim 52 has been amended so that it now depends on claim 25. Claim 53 has been amended

to include a positive process step. Claim 54 is not a method claim and has been amended to include the term "cleansing system" consistent with claim 25.

V. Rejections Under 35 U.S.C. § 102

The Examiner has set forth four rejections under 35 U.S.C. § 102. As amended, Applicants claimed invention relates to a cleansing composition comprising (a) a liquid silicone; (b) at least two water dispersible components; and (c) at least two liquid esters. The water dispersible components are selected from water dispersible components that when combined with at least a weight equivalent of water produces (i) a uniform clear mixture or (ii) uniform hazy mixture. The liquid esters are selected from (i) liquid esters that possess a structural means for ensuring the liquidity of the ester; and (ii) heterogeneous esters.

As the Examiner is well aware, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See M.P.E.P. § 2131. None of the references relied upon by the Examiner, teach or suggest Applicants claimed invention comprising **at least two water dispersible components and at least two liquid esters**, wherein the water the liquid esters possess a structural means for ensuring the liquidity of the ester; and (ii) heterogeneous esters and wherein the water dispersible components produce (i) a uniform clear mixture or (ii) uniform hazy mixture when combined with at least a weight equivalent of water. Accordingly, none of the references relied upon by the Examiner anticipate the claimed invention. Applicants, therefore, respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

VI. Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1-59 under 35 U.S.C. § 103 as allegedly unpatentable over U.S. Patent No. 5,814,662 ("Znaiden et al."). Applicants respectfully traverse this rejection.

As discussed above, as amended, Applicants claimed invention relates to a cleansing composition comprising (a) a liquid silicone; (b) at least two water dispersible components;

and (c) at least two liquid esters. The water dispersible components are selected from water dispersible components that when combined with at least a weight equivalent of water produces (i) a uniform clear mixture or (ii) uniform hazy mixture. The liquid esters are selected from (i) liquid esters that possess a structural means for ensuring the liquidity of the ester; and (ii) heterogeneous esters. As discussed in the Specification, Applicants have discovered that the above described combination of liquid silicone, water dispersible components and liquid esters results in cleansing compositions suitable for use in personal cleansing applications, in particular make-up removal applications, which not only impart superior cleansing properties, but also which are relatively non-irritating and thus suitable for use by people having sensitive skin and eyes. Specification, page 1, lines 14-18. This finding of a cleansing composition having superior cleansing properties without irritation is neither taught nor suggested by the prior art relied upon by the Examiner.

Znaiden et al. relates to cosmetic compositions comprising alpha-hydroxycarboxylic acids of mixed chain lengths. The compositions are taught to be useful for treating skin conditions selected form determatologic skin disorders, chronoaging, environmental abuse and combinations thereof. The Examiner points to Examples 2, 5 and 6 of Znaiden et al. However, none of these examples disclose a composition as described by Applicants claimed invention, *i.e.*, comprising (a) a liquid silicone; (b) at least **two** water dispersible components; and (c) at least **two liquid esters**. The Examiner recognizing that Znaiden et al. fails to teach the specific mixtures of esters and dispersants presently claimed. However, it is the Examiner's position that "each of the presently claimed esters and dispersants are well known in the art for use in personal cleansing and cosmetic compositions" and that "It would have been obvious to one of ordinary skill in the art to use well known esters and dispersants in the skin treatment compositions of Znaiden et al. as esters and dispersants are taught as preferred components in their invention. Applicants respectfully disagree.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or

to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2143.

Here, the Examiner has failed to provide any teaching or suggestion in Znaiden et al. that would provide one of ordinary skill in the art with the motivation to incorporate additional esters and dispersants into the compositions disclosed by Znaiden et al. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. See M.P.E.P. § 2143.01. Further, there is nothing in the teachings of Znaiden et al. that would provide one of ordinary skill in the art that esters and dispersants not taught by Znaiden et al. could successfully be incorporated into the Znaiden et al cosmetic compositions, *i.e.*, there is no reasonable expectation that such a modification would be successful.

Accordingly, Applicants respectfully submit that Znaiden et al. fails to render the present claims obvious. Therefore, the rejection should be withdrawn.

VII. Information Disclosure Statement

Applicants request that the Examiner consider the references submitted with the Supplemental Information Disclosure Statement filed concurrently herewith.

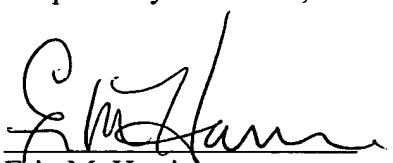
VIII. Conclusion

For the reasons set forth above, Applicants respectfully request withdrawal of all outstanding rejections. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-503/EMH. If a fee is required for an Extension of

time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1 (Amended). A cleansing composition comprising

a. a liquid silicone;

b. [a] at least two water dispersible components selected from water dispersible components that when combined with at least a weight equivalent of water produces (i) a uniform clear mixture or (ii) uniform hazy mixture; and

c. [a] at least two liquid esters selected from the group consisting of (i) liquid esters that possess a structural means for ensuring the liquidity of the ester; and (ii) heterogeneous esters.

2 (Amended). The composition of claim 1 wherein the composition is comprised of, based upon the total weight of the composition,

a. from about 10 percent to about 35 percent of the liquid silicone;

b. from about 10 percent to about 35 percent of the at least two water dispersible components; and

c. from about 55 percent to about 65 percent of the at least two liquid esters.

5 (Amended). The cleansing composition of claim 1 wherein the at least two water dispersible components are selected from the group consisting of polyethylene glycol 400, hexylene glycol, propylene glycol, polypropylene glycol-10 methylglucose ether, ethoxydiglycol, polyethylene glycol-6 caprylic/capric glycerides, ethylene glycol monobutyl ether, triisopropyl citrate, polyethylene glycol-8 caprylic/capric glycerides, 3-methoxy-3-methyl-1-butanol, dimethyl isosorbide, and polyethylene-6 caprylic/capric triglyceride.

6 (Amended). The cleansing composition of claim 5 wherein the at least two water dispersible components are [is] selected from the group consisting of hexylene glycol, dimethyl isosorbide, and polyethylene glycol-6 caprylic/capric glyceride[, and mixtures thereof].

7 (Amended). The cleansing composition of claim 1 wherein the at least two water dispersible component s are [is] comprised of, based upon the total weight percent of the cleaning composition,

a) from about 5 percent to about 15 percent of hexylene glycol;

b) from about 5 percent to about 10 percent of polyethylene-6 caprylic/capric triglyceride.

9 (Amended). The cleansing composition of claim 1 wherein the at least two liquid esters are [ester is] selected from the group consisting of

a) a branched C_5 to C_{22} alkyl alcohol ester of an aromatic acid;

b) a straight-chained or branched C_5 to C_{22} alkyl acid esters of optionally ethyoxylated/propoxylated polyols having from about 3 carbon atoms to about 7 carbon atoms;

c) branched C_5 to C_{22} alkyl alcohol esters of branched polyacids;

d) branched or straight-chained C_5 to C_{22} alkyl acid esters of branched and/or unsaturated C_5 to C_{22} alkyl alcohols;

e) branched or unsaturated C_5 to C_{22} alkyl alcohol esters of an acid selected from the group consisting of adipic acid, succinic acid, sebacic acid, maleic acid, and mixtures thereof

f) polyether interrupted fatty acid esters; and

g) benzoic acid ester of heterogeneous alcohols having from about 8 carbon atoms to about 22 carbon atoms[; and

h) mixtures thereof,].

10 (Amended). The cleansing composition of claim 9 wherein the at least two liquid esters are [ester is] selected from the group consisting of straight-chained or branched C_5 to C_{22} alkyl acid esters of optionally ethyoxylated/propoxylated polyols; and benzoic acid esters of heterogeneous alcohols; [and mixtures thereof].

11 (Amended). The cleansing composition of claim 9 wherein the at least two liquid esters are [ester is] selected from the group consisting of butyloctyl salicylate; hexyldecyl benzoate; butyloctyl benzoate; and alkyl benzoates having from about 12 carbon atoms to about 15 carbon atoms[; and mixtures thereof].

12 (Amended). The cleansing composition of claim 11 wherein the at least two liquid esters are [ester is] selected from the group consisting of hexyldecyl benzoate and butyloctyl benzoate.

13 (Amended). The cleansing composition of claim 9 wherein the at least two liquid esters are [ester is] selected from the group consisting of pentaerythritol tetraoctanoate; trimethylolpropane trioctanoate; trioctanoin; pentaerythrityl tetrapelargonate; sorbitan trioleate; caprylic/capric triglyceride; and neopentyl alcohol tetraoctanoate[, and mixtures thereof].

14 (Amended). The cleansing composition of claim 13 wherein the at least two liquid esters are [ester is] selected from the group consisting of caprylic/capric triglyceride; pentaerythritol tetraoctanoate; trimethylolpropane trioctanoate; and pentaerythrityl tetrapelargonate[; and mixtures thereof].

15 (Amended). The cleansing composition of claim 9 wherein the at least two liquid esters comprise [ester is selected from the group consisting of] a branched alkyl alcohol esters of branched polyacids, wherein the alkyl alcohol is optionally substituted and contains from about 3 carbon atoms to about 22 carbon atoms.

16 (Amended). The cleansing composition of claim 15 wherein the at least two liquid esters comprise [ester is] trioctyldodecyl citrate[and mixtures thereof].

17 (Amended). The cleansing composition of claim 9 wherein the at least two liquid esters [is] are selected from the group consisting of tridecyl neopentanoate, isostearyl palmitate, cetyl ricinoleate, cetyl octanoate, isononyl isononanoate, butyl stearate, octyldodecyl soyate, tridecyl erucate, and octyldodecyl erucate/eicosil erucate[, and mixtures thereof].

18 (Amended). The cleansing composition of claim 17 wherein the at least two liquid esters [is] are selected from the group consisting of cetyl octanoate, isostearyl palmitate, and isononyl isononanoate[, and mixtures thereof].

19 (Amended). The cleansing composition of claim 9 wherein the at least two liquid esters are selected from the group consisting of diisopropyl adipate, dioctyl sebacate, dioctyl succinate, dioctyl maleate, diisostearyl adipate, and diethyl sebacate[, and mixtures thereof].

20 (Amended). The cleansing composition of claim 19 wherein the at least two liquid esters [is] are selected from the group consisting of diethyl sebacate, dioctyl sebacate, diisostearyl adipate, and mixtures thereof.

21 (Amended). The cleansing composition of claim 9 wherein the at least two liquid esters [is] are selected from the group consisting of laureth-2 benzoate; and C_8 to C_{22} fatty alkyl (optionally polypropylenoxy) polyethyleneoxy carboxylate esters derived from an alcohol having from about 1 carbon atom to about 22 carbon atoms[; and mixtures thereof].

22 (Amended). The cleansing composition of claim 21 wherein the at least two liquid esters comprise [is] isopropyl propylene glycol-2-isodeceth-7 carboxylate.

23 (Amended). The cleansing composition of claim 9 wherein the at least two liquid esters [is] are selected from [at least two of] the following esters:

a) branched C_5 to C_{22} alkyl alcohol esters of an aromatic acid;

b) branched or straight-chained C_5 to C_{22} alkyl acid esters of branched or unsaturated C_5 to C_{22} alkyl alcohols; and

c) straight-chained or branched C_5 to C_{22} alkyl acid esters of optionally ethyoxylated/propoxylated polyols.

24 (Amended). The cleansing composition of claim 9 wherein the at least two liquid esters [is] comprise, [a mixture comprised of,] based upon the total weight percent of the ester,:

a) from about 15 percent to about 50 percent isononyl isononanoate;

b) from about 15 percent to about 50 percent isostearyl palmitate;

c) from about 15 percent to about 50 percent cetyl octanoate; and

d) from about 15 percent to about 50 percent pentaerythritol [pentaerthritol] tetraoctanoate.

37 (Amended). The system of claim 34 [33] wherein the benefit agent is present in an amount, based upon the total weight of the system, from about 0.001 percent to about 5.0 percent.

42 (Amended). The method of claim 41 wherein the [benefit] hair growth inhibiting agent is selected from the group consisting of serine proteases, retinol, isotretinoin, betamethoisone, alpha-tocophenol and derivatives thereof, and mixtures thereof.

52 (Amended). The cleansing system of claim 25 [51], wherein the cleansing system [personal care product] is in the form of a gel, a bath, a wash, a mousse, a shampoo, a rinse, a lotion, a cream, a spray, or applied onto a delivery implement selected from a wipe, a brush, or a sponge, [or a spray].

53 (Amended). A method for removing make-up from the skin comprising applying the cleansing system of claim 25 to a desired location [The use of the composition of 25 as a make-up remover].

54 (Amended). The [composition] cleansing system of 25 in the form of an oil-in-water emulsion.

55 [56] (Amended). A method of cleansing hair, skin or nails comprised of applying the composition of 1 to a desired location.

56 [57] (Amended). A method of cleansing hair, skin, or nails comprised of applying the system of claim 25 to a desired location.

57 [58] (Amended). The cleansing composition of claim 25 wherein the at least two water dispersible components [is] comprise[d of], based upon the total weight percent of the cleaning system,

a) from about 0.1 percent to about 5 percent of hexylene glycol; and

b) from about 0.5 percent to about 3.0 percent of polyoxyethylene-6 caprylic/capric triglyceride.

58 [59] (Amended). A cleaning composition comprised of

a) a cyclomethicone liquid silicone;

b) a water dispersible component [selected from the group consisting of] comprising hexylene glycol[,] and PEG-6 caprylic/capric triglycerides[, and mixtures thereof]; and

c) at least two [an] esters selected from the group consisting of isononyl isononanoate, isostearyl palmitate, cetyl octanoate, pentaerthritol tetraoctanoate, and mixtures thereof.

59 [60] (Amended). A cleaning system comprised of

a) a cyclomethicone liquid silicone;

b) a water dispersible component comprising [selected from the group consisting of] hexylene glycol[,] and PEG-6 caprylic/capric triglycerides[, and mixtures thereof];

c) at least two [an] esters selected from the group consisting of isononyl isononanoate, isostearyl palmitate, cetyl octanoate, pentaerythritol [pentaerthritol] tetraoctanoate[, and mixtures thereof];

d) water; and

e) a PEG-30 dipolyhydroxystearate polymeric emulsifier and/or a carbomer thickener.

Claim 60. The cleansing composition of claim 9 wherein the at least two liquid esters comprise a mixture of, based upon the total weight percent of the esters,:

a) from about 30 percent to about 80 percent of branched or straight-chained C_5 to C_{22} alkyl acid esters of branched or unsaturated C_5 to C_{22} alkyl alcohols;

b) from about 10 percent to about 50 percent of branched C_5 to C_{22} alkyl alcohol esters of an aromatic acid; and

c) from about 10 percoent to about 50 percent of straight-chained or branched C_5 to C_{22} alkyl acid esters of optionally ethyoxylated/propoxylated polyols.

Claim 61. The system of claim 34, wherein the benefit agent is tretinoin.